

## REMARKS

In response to the requirement for restriction under 35 U.S.C. § 121 and 372 of November 9, 2007, Applicants hereby elect, with traverse, *milk serum* under species (a) and *Streptococcus thermophilus* and *Lactobacillus bulgaricus* under species (b). Under species (c), Applicants elect "OH". Claims 1 and 19 are readable on the elected species.

The present application claims a process which affords the production of galactose using raw milk or milk serum and micro-organisms of hydrolysing lactose (which is obviously present in both) consuming only the so-produced glucose, without consuming the galactose.

In connection with the above, it is interesting to note that the process can also be performed using micro-organisms that under normal conditions would metabolize galactose. When referring to the state of the art in similar type processes it is always reported that the use of micro-organisms claimed do not metabolize this sugar.

The core of the process, as is evident from the examples reported and from the description as a whole, is the control of the pH that must be maintained at a value of  $\leq 7.5$  for a given time (i.e., 16 - 24 hrs) as correctly recited in Claim 1.

In view of the foregoing, it would be evident to one of ordinary skill in the art that the choice of a particular micro-organism plays no role in the invention. In fact, the examples were performed with different kinds of micro-organisms, and even by simply using a commercially available yoghurt (see example 3 wherein Actimel<sup>®</sup>, a product containing various yoghurt ferments that can be bought in any supermarket, commercialized in Italy by Danone), and all were successful.

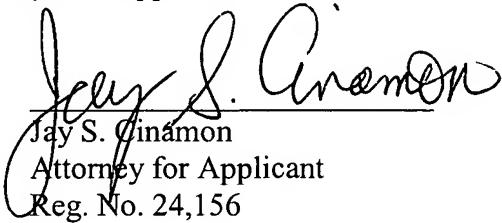
The requirement to limit the species base is simply not understood. Every chemistry student knows that when a determined pH must be reached, you have to use a base or an acid (or if you prefer a buffer) in order to achieve the desired result. Surely no inventive ingenuity is necessary or required for choosing a weak or a strong base in order to lower the desired value of the pH of the starting solution (which is more acid than desired).

Withdrawal of the restriction requirement is respectfully solicited.

Respectfully submitted,

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